

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RYDEX TECHNOLOGIES, LLC, Plaintiff, v. BAXTER INTERNATIONAL, INC., Defendant.	Civil Action No. 13-664-RGA
RYDEX TECHNOLOGIES, LLC, Plaintiff, v. CAREFUSION CORPORATION, Defendant.	Civil Action No. 13-665-RGA
RYDEX TECHNOLOGIES, LLC, Plaintiff, v. HAEMONETICS CORPORATION, Defendant.	Civil Action No. 13-667-RGA
RYDEX TECHNOLOGIES, LLC, Plaintiff, v. HOSPIRA, INC., Defendant.	Civil Action No. 13-668-RGA

**DEFENDANTS' RESPONSE TO RYDEX TECHNOLOGIES LLC'S NOTICE
REGARDING THE SUPREME COURT'S RECENT OPINION IN *TEVA V. SANDOZ***

Defendants submit this response to Rydex Technologies LLC's ("Rydex") Notice Regarding the Supreme Court's Recent Opinion in *Teva v. Sandoz* (the "Notice"). Nine days after the Supreme Court issued its decision in *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, No. 13–854 (Jan. 20, 2015), Rydex emailed Defendants and proposed additional briefing in connection with Defendants' Motion for Summary Judgment. Approximately ninety minutes later, and without receiving any response from Defendants, Rydex filed the Notice with the Court. Defendants have now had the opportunity to read and discuss Rydex's proposal and believe it is without merit. The *Teva* decision, which relates to the standard of appellate review, does not change the framework that a District Court should use in construing patent claims and bears no impact on the evidence that a District Court should consider. The parties have fully briefed and argued their positions on claim construction and summary judgment. The record is complete. Additional briefing is unwarranted and would only subject the parties to unnecessary litigation costs and delay. Defendants respectfully request that the Court proceed with its consideration of Defendants' Motion for Summary Judgment and issue an opinion in the ordinary course. Rydex has been informed of Defendants' position.

POTTER ANDERSON & CORROON LLP

By: /s/ Philip A. Rovner
Philip A. Rovner (#3215)
Jonathan A. Choa (#5319)
Alan R. Silverstein (#5066)
Hercules Plaza
P.O. Box 951
Wilmington, DE 19899
(302) 984-6000
provner@potteranderson.com
jchoa@potteranderson.com
asilverstein@potteranderson.com

*Attorneys for Defendant
Baxter International, Inc.*

Of Counsel:

John Allcock
Richard Mulloy
Jesse Hindman
Tiffany Miller
DLA PIPER LLP (US)
401 B Street, Suite 1700
San Diego, CA 94201-4297
(619) 699-2700

DLA PIPER LLP (US)

By: /s/ Denise S. Kraft
Denise S. Kraft (#2778)
Brian A. Biggs (#5591)
1201 N. Market Street, Suite 2100
Wilmington, DE 19801
(302) 468-5700
denise.kraft@dlapiper.com
brian.biggs@dlapiper.com

*Attorneys for Defendant
CareFusion Corporation*

Of Counsel:

Deepro Mukerjee
Christopher L. McArdle
ALSTON & BIRD LLP
90 Park Avenue, 12th Floor
New York, NY 10016-1387
(212) 210-9400

Kamran Jivani
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309
(404) 881-7000

MORRIS, NICHOLS, ARSHT & TUNNELL
LLP

By: /s/ Rodger D. Smith II

Rodger D. Smith II (#3778)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 351-9200
rsmith@mnat.com

*Attorneys for Defendant
Haemonetics Corporation*

Of Counsel:

Bradford P. Lyerla
Benjamin J. Bradford
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654
(312) 222-9350

MORRIS JAMES LLP

By: /s/ Mary B. Matterer

Richard K. Herrmann (#405)
Mary B. Matterer (#2696)
500 Delaware Avenue, Suite 1500
P.O. Box 2306
Wilmington, DE 19899-2306
(302) 888-6800
mmatterer@morrisjames.com

*Attorneys for Defendant
Hospira, Inc.*

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